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*fax filed 24;31pm  
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FILED MAY 13, 2011

SURLEY E. FAUST, CLERK  
*Sue Faust*  
Deputy

8 MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY  
9 ARLENE JOSEPH,

10 Plaintiff,

11 VS.

12 LINEHAUL LOGISTICS, INC.,

13 Defendant.

Dept. No. 3 *John W. Larson*

Cause No. DV-10- DV-11-578

COMPLAINT

14  
15 COMES NOW the Plaintiff, Arlene Joseph, by and through her  
16 attorneys Antonioli and Wade, P.C. of Missoula, Montana, and alleges as  
17 follows:

- 18 1. Plaintiff is a resident of Missoula County, Montana, residing in  
19 Missoula, Montana.
- 20 2. Defendant LineHaul Logistics, Inc. is a Montana corporation  
21 with its principal place of business in Missoula, Montana.
- 22 3. Plaintiff was employed by Defendant as a senior consultant  
23 from July 2003 until she was wrongfully discharged on April 27, 2011.
- 24 4. Plaintiff was a non-exempt employee for federal wage and hour  
25 purposes. Plaintiff regularly worked 10-12 hours per week, Monday  
through Friday and additional time on the weekends. However, Defendant  
failed to pay Plaintiff any overtime.
- 26 5. Plaintiff had successfully completed her probationary period of

27  
28 Complaint

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1 | employment.

2       6. Plaintiff satisfactorily performed all of her duties and  
3 responsibilities for Defendant.

4       7. In late 2010 and early 2011 Plaintiff was subjected to an  
5 extremely hostile work environment. Her situation was so severe that she  
6 was forced to retain counsel to represent her.

7        8. By letters dated April 20 and April 27<sup>th</sup>, 2011 Defendant was  
8 notified that Plaintiff believed she had been subjected to a hostile work  
9 environment. In addition, said letters reported to Defendant that Plaintiff  
10 was in violation of wage and hour laws and that Plaintiff was entitled to be  
11 paid all overtime wages due her.

12        9. In response to the reports of wage and hour violations, on April  
13 27, 2011 Stuart W. Looney, President of Defendant, immediately  
14 terminated Plaintiff's employment.

**COUNT ONE**  
**WRONGFUL DISCHARGE - LACK OF GOOD CAUSE**

16       10. Plaintiff recites and realleges paragraphs 1-19 as though set  
17 forth at this point verbatim.

18           11. Defendant wrongfully terminated Plaintiff's employment without  
19 good cause.

20       12. As a result of said wrongful discharge, Plaintiff has suffered  
21 damages in the form of lost wages and lost fringe benefits, and she will  
22 incur expenses in attempting to locate alternative employment.

23       13. Plaintiff is entitled to an award of her damages as allowed by  
24 law in an amount to be determined at the time of trial.

**COUNT TWO  
WRONGFUL DISCHARGE - RETALIATION**

27       14. Plaintiff recites and realleges paragraphs 1 through 9 as though  
28 set forth at this point verbatim.

15. Defendant retaliated against Plaintiff first when she reported a violation of wage and hour laws.

16. As a result of said termination and wrongful discharge, Plaintiff has suffered damages in the form of lost wages and lost fringe benefits, and will incur expenses in attempting to locate alternative employment.

17. Plaintiff is entitled to an award of her damages as allowed under Montana law in an amount to be determined at the time of trial.

**COUNT THREE  
VIOLATION OF WAGE AND HOUR LAWS**

18. Plaintiff recites and realleges paragraphs 1 through 9 as though set forth at this point verbatim.

19. Defendant failed to pay to Plaintiff all of the overtime wages which were due him.

20. Defendant's refusal to pay said wages was willful.

21. Defendant's failure to pay all overtime wages to Plaintiff is a violation of federal wage and hour laws.

22. Plaintiff is entitled to all overtime wages which are due, but unpaid, plus a penalty of 100% of all wages due as allowed by law, plus all of Plaintiff's reasonable and necessary attorney's fees and expenses in an amount to be determined at the time of trial.

**WHEREFORE**, Plaintiff requests judgment be awarded against Defendant as follows:

1. On Count One for damages in an amount to be determined at the time of trial;
  2. On Count Two for damages in an amount to be determined at the time of trial;
  3. On Count Three for damages in an amount to be determined at the time of trial;

- 1       4. For Plaintiff's costs and attorney fees; and
- 2       5. Any other relief this Court deems just and proper.

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4       DATED this 2<sup>ND</sup> day of May, 2011.

5       ANTONIOLI and WADE, P.C.  
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8       Stacey Weldele-Wade  
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